

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRADE PARTNERS
GREENVILLE, LLC,

Plaintiff,

File No. 1:05-CV-387

v.

HON. ROBERT HOLMES BELL

NEW ERA LIFE INSURANCE
COMPANY.

Defendant.

ORDER APPROVING REPORT AND RECOMMENDATION

Magistrate Judge Ellen S. Carmody filed a Report and Recommendation ("R&R") on March 9, 2006, (Docket # 15), recommending that Defendant's motion to dismiss adversary complaint (Docket # 5) be granted in part and denied in part for the reasons stated in the R&R in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236, filed on March 7, 2006 (Docket # 1239).¹ Defendant has filed objections to the R&R addressing its motion to dismiss in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236, (Docket # 1250), but it has not filed any additional objections in this action.

¹Although the R&R references the R&R filed on March 7, 2006 (Docket # 1239), the Court believes the appropriate reference is to the R&R filed on March 6, 2006, (Docket # 1238) which addresses the New Era Defendants' motion to dismiss.

This Court has approved and adopted the R&R addressing Defendant's motion to dismiss in *Quilling v. Trade Partners, Inc.*, 1:03-CV-236. (Docket #'s 1259 & 1260). The Court accordingly agrees with recommendation that Defendant's motion to dismiss in this case be granted in part and denied in part for the same reasons stated in the March 6, 2006, R&R in Case No. 1:03-CV-236, (Docket # 1238), which is incorporated herein by reference. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation dated March 9, 2006, (Docket # 15) is **APPROVED AND ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (Docket # 5) is granted in part and denied in part for the reasons stated in the March 6, 2006, R&R in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236 (Docket # 1238), which is incorporated herein by reference.

Date: March 31, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE